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Claimant In Pro Se (Michael Chekian)

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

In Re:

Transpacific Passenger Air Transportation  
Antitrust Litigation

**Case No.: 3:07-CV-05634-CRB**

**NOTICE OF MOTION AND MOTION TO  
EXTEND LITIGATION DEADLINE  
REGARDING CLAIM OF MICHAEL  
CHEKIAN; DECLARATION OF  
MICHAEL CHEKIAN**

**Hearing:**

**Date: July 22, 2022**

**Time: 9:00 a.m.**

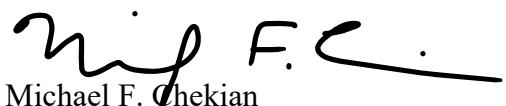
**Place: Ctrm. 6, 17<sup>th</sup> Floor, 450 Golden  
Gate Avenue, San Francisco, California**

**TO: HON. CHARLES L. BREYER AND PLAINTIFF:**

**PLEASE TAKE NOTICE THAT** on July 22, 2022 at 9:00 a.m., or as soon thereafter as the matter may be heard, claimant Michael Chekian (“Chekian”) will move this Court for an order extending the deadline to submit documents to attorneys and agents for the plaintiff in this action (“Plaintiff”) regarding Chekian’s claim (“Claim”).

**PLEASE TAKE FURTHER NOTICE THAT** Civil Local Rule 7-3(a) requires that any opposition to this Motion be filed not less than 14 days from the service of this Motion

Dated: June 17, 2022

  
/s/ Michael F. Chekian  
Michael F. Chekian  
In Pro Se Claimant

**MOTION TO ALLOW EXTEND LITIGATION DEADLINE**

As below set forth and detailed in the proposed Exhibit C order herein, claimant Michael Chekian (“Chekian”) hereby moves this Court for an order extending the current deadline of June 17, 2022 to August 19, 2022 to submit documents to Plaintiff and its agent substantiating Chekian’s claim (“Claim”) filed in this action.

**I. STATEMENT OF FACTS**

Chekian is a claimant in the class action lawsuit of Transpacific Passenger Air Transportation Antitrust (“Plaintiff”) lawsuit, filed in this Court (“Case”).

Chekian filed an online claim (“Claim”) on July 8, 2019 in this Case with the settlement administrator as claim number Y5GQC76S.

Chekian filed a motion to allow his Claim in the Case which was heard at 9:00 a.m. on May 20, 2022. A copy of the Court’s minute entry from that hearing is attached as Exhibit B to the within Chekian declaration. The Court ruled that Chekian shall respond with documents substantiating his Claim within 4 weeks from receipt of a letter outlining the requirements.

Chekian received a letter from Plaintiff or its representative giving him until June 17, 2022 to send documents substantiating his Claim. A copy of the letter is attached as Exhibit A to the Chekian declaration.

Chekian requires more time to prepare and serve discovery requesting documents from parties and non-parties to this case to prove up his Claim, involving flight records as early as January 1, 2000. During the week of June 20, 2022, Chekian intends to serve discovery (subpoenas and/or requests for documents) (“Discovery”) on parties and non-parties including but not limited to: United Airlines, All Nippon Airlines, Asiana, Korean Airlines, American Express, Chase Bank, Bank of America and the U.S. Passport Agency/U.S. Department of State.

Once the Discovery is served, Chekian intends to contact counsel for Plaintiff to determine if they will stipulate to the relief requested in this Motion. A copy of the proposed order granting this Motion is attached as Exhibit C to the Chekian declaration.

1 Chekian expects the production date of the Discovery will be approximately August 1,  
2 2022 and therefore is requesting an extension to August 19, 2022 to deliver the proof of his  
3 Claim to Plaintiff and its agents.

## 4 5 **II. POINTS AND AUTHORITIES**

6 Per FRCP 16(b), parties seeking to modify a scheduling order must demonstrate good  
7 cause. *see also* FRCP 6(b) (“When an act may or must be done within a specified time, the court  
8 may, for good cause, extend the time”). “Good cause” is a non-rigorous standard that has been  
9 construed broadly across procedural and statutory contexts. *Ahanchian v. Xenon Pictures,*  
10 *Inc.*, 624 F.3d 1253, 1259 (9th Cir. 2010). The good cause standard focuses on the diligence of  
11 the party seeking to amend the scheduling order and the reasons for seeking  
12 modification. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992) (“[T]he  
13 focus of the inquiry is upon the moving party's reasons for seeking modification. . . . If that party  
14 was not diligent, the inquiry should end.”) (internal citation omitted). Therefore, “a party  
15 demonstrates good cause by acting diligently to meet the original deadlines set forth by the  
16 court.” *Merck v. Swift Transp. Co.*, No. CV-16-01103-PHX-ROS, 2018 WL 4492362, at \*2 (D.  
17 Ariz. Sept. 19, 2018).

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Local Rule 6-3 requires that a motion to change time must be no more than 5 pages,  
include a declaration and proposed order, describes the change required and efforts to obtain a  
stipulation.


Here, Chekian requests more time to serve subpoenas and/or requests for production of  
documents on several parties and non-parties to obtain more relevant documents to prove up his  
Claim, including flight records dating back to January 1, 2000. Chekian expects to serve the  
discovery during the week of June 20, 2022, with an estimated response date of August 1, 2022.

1 The Court has not yet set a continued hearing date on the allowance of Chekian's Claim and so  
2 there should be no prejudice to Plaintiff or any other party by the granting of this Motion.  
3 Chekian will contact counsel for Plaintiff once he serves the discovery next week to determine  
4 whether Plaintiff will stipulate to the requested deadline extension.  
5

### 6 7 8 **III. CONCLUSION**

9 Therefore, based on the foregoing arguments and authorities, it is respectfully requested  
10 that the Motion be granted as detailed in the Exhibit C order to the within Chekian declaration so  
11 that Chekian is allowed an extension until August 19, 2022 to submit documents substantiating  
12 his Claim to Plaintiff.

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15 Dated: June 17, 2022

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/s/ Michael F. Chekian  
Michael F. Chekian  
In Pro Se Claimant

**DECLARATION OF MICHAEL CHEKIAN IN  
SUPPORT OF MOTION TO EXTEND LITIGATION DEADLINE**

I, Michael Chekian, am representing myself In Pro Se in this litigation. I am also an attorney duly licensed to practice law in all of the courts of the state of California and all California federal district courts, including the federal district of the Northern District of California and also the 9<sup>th</sup> Circuit Court of Appeals. I do hereby declare under the penalty of perjury that the following is true and correct to the best of my personal knowledge, and if called upon as a witness, I could and would personally testify under oath in a court of law to the truthfulness of each of the below facts.

1. I am a claimant in the Transpacific Passenger Air Transportation Antitrust ("Plaintiff") lawsuit, filed in this Court as case number 3:07-CV-05634-CRB ("Case").

2. I filed an online claim ("Claim") on July 8, 2019 in this Case with the settlement administrator ("Administrator") as claim number Y5GQC76S.

3. I filed a motion to allow my Claim in the Case which was heard at 9:00 a.m. on May 20, 2022. A true and correct copy of the Court's minute entry from that hearing at attached hereto as Exhibit B. The Court ruled that I shall respond with documents substantiating my Claim within 4 weeks from receipt of a letter outlining the requirements.

4. I received a letter from Plaintiff or its representative giving me until June 17, 2022 to send documents substantiating my


1 Claim. A true a correct copy of the letter is attached hereto as  
2 Exhibit A.

3 5. I require more time to prepare and serve discovery  
4 requesting documents from parties and non-parties to this case to  
5 prove up my Claim, involving flight records as early as January 1,  
6 2000. During the week of June 20, 2022, I intend to serve discovery  
7 (subpoenas and/or requests for documents) ("Discovery") on parties and  
8 non-parties including but not limited to: United Airlines, All Nippon  
9 Airlines, Asiana, Korean Airlines, American Express, Chase Bank, Bank  
10 of America and the U.S. Passport Agency/U.S. Department of State.

11 6. Once the Discovery is served, I intend to contact counsel  
12 for Plaintiff to determine if they will stipulate to the relief  
13 requested in this Motion. A copy of the proposed order granting this  
14 Motion is attached hereto as Exhibit C.

15 7. I expect the production date of the Discovery will be  
16 approximately August 1, 2022 and therefore I am requesting an  
17 extension to August 19, 2022 to deliver the proof of my Claim to  
18 Plaintiff and its agents.

19  
20 I do hereby declare under the penalty of perjury and pursuant to  
21 the laws of the United States of America that the foregoing is true  
22 and correct and that this declaration is executed this 17<sup>TH</sup> day of  
23 June, 2022, at Los Angeles, California.

24   
25 /s/ Michael Chekian  
26 Michael Chekian  
27  
28

TRANSPACIFIC AIR SETTLEMENT - 4422

PO BOX 2209

FARIBAULT MN 55021-1609

USA

**IMPORTANT LEGAL MATERIALS**

0000116068 - UIL

MICHAEL CHEKIAN

445 S FIGUEROA ST 31ST FL

LOS ANGELES CA 90071-1602

RESPONSE DUE DATE: POSTMARKED BY JUNE 17, 2022

REQUEST FOR MORE INFORMATION \*\*\*\* Claim No. 115463

Dear Claimant:

We have received and processed the Claim Form(s) that you filed in the Transpacific Air Transportation Settlements. Your Claim has been chosen for an audit due to the number of tickets claimed for one or more Settlement Classes. To comply with this audit, you must supply adequate documentation of all purchases listed on your Claim Form(s) submitted with the First and Third Round(s) of Settlements.

The attached Audit Form(s) indicate the number of tickets you claimed for one or more Settlement Class. Return the form(s) with the documentation for the tickets purchased. Adequate documentation may consist of receipts showing your purchases, cancelled checks or credit card statements, travel itineraries, e-mail confirmation of a ticket purchase, and/or other documentation to support your claim. Feel free to redact or "black out" information pertaining to unrelated transactions or other personal financial information.

Please return the completed Audit Form(s) with your documentation of purchases to the address listed above by  
June 17, 2022.

**If you do not respond by the above Response date, your claim may be denied.**

Call us toll-free at 1-800-439-1781 or send an email to: [info@airlinesettlement.com](mailto:info@airlinesettlement.com) with any questions.

Sincerely,  
Settlement Administrator

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00000116068

MICHAEL CHEKIAN  
445 S FIGUEROA ST 31ST FL  
LOS ANGELES CA 90071-1602

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Page 1 of 2



If the pre-printed information to the left is not correct or if there is no pre-printed information, please check the box and complete the information below:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_ Zip Code: \_\_\_\_

## REQUEST FOR FIRST ROUND INFORMATION FORM

Listed on the next page is the purchase information you provided for the Qantas, Cathay Pacific, and Thai Airlines Settlement Classes with the claim form deadline of October 13, 2015 and the JAL, Air France, Singapore Airlines, Vietnam Airlines, and Malaysian Air Settlement Classes with the claim form deadline of April 3, 2018.

Return this form with the documentation for the tickets purchased. Adequate documentation may consist of receipts showing your purchases, cancelled checks or credit card statements, travel itineraries, e-mail confirmation of a ticket purchase, and/or other documentation to support your claim. Feel free to redact or "black out" information pertaining to unrelated transactions or other personal financial information.

Please return the completed Audit Form(s) with your documentation of purchases to the address listed above by  
June 17, 2022.

### Sign and Date

I (we) declare under penalty of perjury, that the documentation provided with this letter is true and correct to the best of my knowledge and represents the tickets I purchased from January 1, 2000 to the Effective Date.

\_\_\_\_\_  
Claimant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name/Capacity of person signing



Provide documentation for the total number of tickets listed below that were purchased from a Defendant or Co-Conspirator where at least one flight segment was between the U.S and Asia or Oceania (Australia, New Zealand or the Pacific Islands) from January 1, 2000 through the Effective Date.

[illegible]

With respect to claims concerning travel on Asiana Airlines and/or Korean Airlines where at least one flight segment was between the U.S. and Asia or Oceania (Australia, New Zealand or the Pacific Islands) from January 1, 2000 through the Effective Date, provide documentation for the tickets claimed in the following section:

Column 1	Column 2	Column 3	Column 4	Column 5
Airline that sold you ticket for travel	Total Number of Tickets Purchased for travel between the U.S. and Asia/Oceania	Number of Tickets Identified in Column No. 2 that were Purchased for One-Way or Roundtrip Travel Originating in the United States	Number of Tickets Identified in Column No. 3 where the Republic of Korea was the destination	Number of Tickets Identified in Column No. 2 that were Purchased for One-Way or Roundtrip Travel Originating in the Republic of Korea
Asiana Airlines				
Korean Airlines				

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00000116068

MICHAEL CHEKIAN  
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Page 1 of 2



If the pre-printed information to the left is not correct or if there is no pre-printed information, please check the box and complete the information below:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_ Zip Code: \_\_\_\_

## REQUEST FOR THIRD ROUND INFORMATION FORM

Listed on the next page is the purchase information you provided for the Japan, *Satogaeri*, and Settlement Class III Classes with the claim form deadline of April 1, 2020.

Return this form with the documentation for the tickets purchased. Adequate documentation may consist of receipts showing your purchases, cancelled checks or credit card statements, travel itineraries, e-mail confirmation of a ticket purchase, and/or other documentation to support your claim. Feel free to redact or "black out" information pertaining to unrelated transactions or other personal financial information.

Please return the completed Audit Form(s) with your documentation of purchases to the address listed above by  
June 17, 2022.

### Sign and Date

I (we) declare under penalty of perjury, that the documentation provided with this letter is true and correct to the best of my knowledge and represents the tickets I purchased from January 1, 2000 to December 1, 2016. I understand that my Claim may be subject to audit verification and Court review.

\_\_\_\_\_  
Claimant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name/Capacity of person signing





### Purchase Information

Provide documentation for the total number of tickets listed below that were purchased from a Defendant or Co-Conspirator where at least one flight segment originated in the U.S. to Asia or Oceania (Australia, New Zealand or the Pacific Islands), and the purchase was made between January 1, 2000 and December 1, 2016.

Column 1	Column 2
Airline that sold you ticket for travel	Number of Tickets that were Purchased for One-Way or Roundtrip Travel Originating in the United States
ALL NIPPON AIRWAYS (ANA)	256

Provide documentation for the tickets claimed in the following section that you purchased from All Nippon Airways and/or Japan Airlines where at least one flight segment meets the criteria of the Japan Settlement Class or *Satogaeri* Settlement Class (defined above):

Column 1	Column 2	Column 3
Airline that sold you ticket for travel	Number of Tickets Identified above that you Purchased between February 1, 2005 and December 31, 2007 and paid a Fuel Surcharge	Number of Tickets Identified above that you Purchased between January 1, 2000 and April 1, 2006 for an eligible <i>Satogaeri</i> Fare
All Nippon Airways	32	58
Japan Airlines		

<sup>1</sup> China Airlines is the airline based in Taiwan. It should not be confused with Air China, based in the People's Republic of China.

**Michael Chekian Esq.**

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**From:** ECF-CAND@cand.uscourts.gov  
**Sent:** Friday, May 20, 2022 9:23 AM  
**To:** efiling@cand.uscourts.gov  
**Subject:** Activity in Case 3:07-cv-05634-CRB In re TRANSPACIFIC PASSENGER AIR TRANSPORTATION ANTITRUST LITIGATION Motion Hearing

**This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.**

**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

California Northern District

**Notice of Electronic Filing**

The following transaction was entered on 5/20/2022 at 9:23 AM and filed on 5/20/2022

**Case Name:** In re TRANSPACIFIC PASSENGER AIR TRANSPORTATION ANTITRUST LITIGATION

**Case Number:** [3:07-cv-05634-CRB](#)

**Filer:**

**WARNING: CASE CLOSED on 12/03/2019**

**Document Number:** 1338(No document attached)

**Docket Text:**

**Minute Entry for proceedings held before Judge Charles R. Breyer: Motion Hearing held by Zoom on 5/20/2022 - Re [1334] Motion to Set Aside Notice of Motion and Motion to Allow Claim of Michael Chekian; Declaration of Michael Chekian filed by Michael Chekian. Plaintiff's shall email the letter outlining the required documentation to Mr. Chekian. Mr. Chekian shall provide plaintiff with the information within four weeks from receipt of the letter. Plaintiff's shall review the submission forthwith and notify Mr. Chekian and the Court re a determination of the claims. (Total Time in Court: 12 Minutes)**

**Court Reporter: Belle Ball.**

**Plaintiff Attorney: Adam J. Zapala and Elizabeth T. Castillo.**

**Defendant Attorney: Michael Chekian. <br. (This is a text-only entry generated by the court. There is no document associated with this entry.) (Is, COURT STAFF) (Date Filed: 5/20/2022)**

**3:07-cv-05634-CRB Notice has been electronically mailed to:**

**Aaron M. Sheanin** asheanin@robinskaplan.com, eknight@robinskaplan.com

**Adam Trott** ATrott@cpmlegal.com, shernandez@cpmlegal.com

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mike@cheklaw.com-Email

Claimant In Pro Se (Michael Chekian)

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

In Re:	)	<b>Case No.: 3:07-CV-05634-CRB</b>
Transpacific Passenger Air Transportation	)	<b>ORDER GRANTING MOTION TO</b>
Antitrust Litigation	)	<b>EXTEND LITIGATION DEADLINE</b>
	)	<b>REGARDING CLAIM OF MICHAEL</b>
	)	<b>CHEKIAN</b>
	)	<b>Hearing:</b>
	)	<b>Date: July 22, 2022</b>
	)	<b>Time: 9:00 a.m.</b>
	)	<b>Place: Ctrm. 6, 17<sup>th</sup> Floor, 450 Golden</b>
	)	<b>Gate Avenue, San Francisco, California</b>

A hearing was held at the above referenced place and time on the motion (“Motion”) filed on June 17, 2022 by claimant Michael Chekian (“Chekian”) to extend Chekian’s deadline to submit proof substantiating Chekian’s claim filed on July 8, 2019 as claim number Y5GQC76S (“Claim”) in the above referenced case. Upon review of the record and good cause appearing therefore, IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. Chekian is allowed until August 19, 2022 to submit proof substantiating his Claim to Plaintiff and/or Plaintiff’s agents.

**IT IS SO ORDERED.**

Dated:

\_\_\_\_\_  
CHARLES R. BREYER  
United States District Chief Judge  
Northern District of California

### **Certificate of Service**

I hereby certify that the following parties were served on June 17, 2022 via the Court's electronic service system with the preceding document: Notice of Motion and Motion To Extend Litigation Deadline Regarding Claim of Michael Chekian; Declaration of Michael Chekian

Micah Abrams c/o Jennie Lee Anderson: jennie.anderson@andrusanderson.com  
Micah Abrams c/o Craig C. Corbitt: ccorbitt@zelle.com  
Micah Abrams c/o Jiangxiao Athena Hou: ahou@zelle.com  
Micah Abrams c/o Christopher L. Lebsack: clebsack@hausfeldllp.com  
Micah Abrams c/o Heather T. Rankie: hrankie@zelle.com  
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Rachel Diller c/o Lee Albert: lalbert@glancylaw.com  
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Rachel Diller c/o Swathi Bojedla: sbojedla@hausfeldllp.com  
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Rachel Diller c/o Allan Steyer: asteyer@steyerlaw.com  
Christian Duke c/o John G. Emerson: jemerson@emersonfirm.com  
Christian Duke c/o Marvin L. Frank: mfrank@frankllp.com  
Christian Duke c/o Christopher L. Lebsock: clebsock@hausfeldllp.com  
Christian Duke c/o Scott E. Poynter: scott@swcfirm.com  
Christian Duke c/o Guido Saveri: guido@saveri.com  
Christian Duke c/o Richard Alexander Saveri: rick@saveri.com  
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I further hereby certify that the Judge in this matter was served via U.S. Mail on June 17, 2022:

Hon. Charles W. Breyer  
United States District Court  
Office of the Clerk  
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June 17, 2022

  
\_\_\_\_\_  
/s/ Michael Chekian  
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